IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13812 of 2004

Between:

N.Venkateswarlu, S/o Veeraiah,
R/o. Old Mogdumpuram, Chennaraopet Mandal,

Warangal District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Narsampet, Warangal District.
2 Mandal Revenue Officer, Chennaraopet Mandal,

Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction more particularly one in nature of Writ of Mandamus declaring the action of the respondents in seeking to cancel the Fair Price Shop dealership of the petitioner herein for Old Mogdumpuram Village, Chennaraopet Mandal, Warangal District and consequently renewal the Dealership of the petitioner for Old Mogdumpuram Village, Chennaraopet Mandal, Warangal District.

Counsel for the Petitioner: MR.P.GIRI KRISHNA

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER:

The petitioner is an authorized dealer of a Fair Price Shop of Old Mogdumpuram Village of Chennaraopet Mandal, Warangal District. This writ petition is filed seeking a Writ of Mandamus declaring the alleged action of the respondents in seeking to cancel the Fair Price Shop dealership of the petitioner. The case of the petitioner is that a notice dated 02-07-2004 was issued to the petitioner by the 2nd respondent directing him to pay the penalty of Rs.200/- imposed by the 1st respondent by order dated 28-06-2001, within one week and calling upon him to explain why the dealership should not be cancelled for non-compliance of the said order of the 1st respondent dated 28-06-2001. The petitioner states that he was not aware of any such proceedings imposing penalty and at any rate he has paid the penalty on 07-07-2004, and also submitted an explanation in response to the notice dated 2-7-2004. While so, the respondents have issued a paper notification on 23-07-2004, stating that certain vacancies for fair price shop in the Narasampet Division will be filled up and inviting applications. In the said notification, the Fair Price Shop of Old Mogdumpuram has also been included for which the petitioner is the dealer. Hence this writ petition.

The 1st respondent-Revenue Divisional Officer, Narasampet, Warangal Division, filed a counter affidavit stating that since the petitioner failed to lift the commodities in the month of April, 2001, the 1st respondent vide proceedings dated 28-06-2001 imposed penalty of Rs.200/-, but the petitioner failed to remit the same. He also failed to lift the commodities since 28-06-2001. It is further stated that as per the Government Memo No.13964/CS-II/90-1 (FCA), dated 02-03-1990 whenever dealer fails to lift one month's quota, his authorization shall be cancelled. However, the petitioner was given an opportunity and penalty was imposed by order dated 28-06-2001 for his failure to lift the stocks. In spite of the same, the petitioner failed to comply with the orders of the Revenue Divisional Officer, dated 28-06-2001. In the

circumstances, the report was called for from the second respondent and on the basis of the same since the petitioner neither paid penalty nor lifted the commodities, alternative arrangements have been made for distribution to the cardholders. Accordingly, the Primary Agricultural Co-operative Society, Chennaraopet has been lifting the commodities for the past three years. That apart, the authroisation of the petitioner has not been renewed for further period. In the circumstances, the authorisation of the petitioner has been cancelled on 19-07-2004 and the vacancy has been notified on 23-07-2004 inviting applications from the eligible candidates.

In the light of the averments in the counter affidavit, which stood unrebutted, I do not find any infirmity in the action of the respondents in notifying the vacancy and therefore the relief as prayed for cannot be granted.

However, the learned counsel for the petitioner states that the petitioner may be permitted to prefer an appeal as per the provisions of the PDS Control Order, 2001 against the order of cancellation.

Accordingly, granting leave and liberty to the petitioner to prefer an appeal against the order of cancellation dated 19-07-2004, within a period of two weeks from today, the writ petition is disposed of. No costs.

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06-10-2004

Note: Issue C.C in two days.

B/o.

vs

To

1 The Revenue Divisional Officer, Narsampet, Warangal District.
2 The Mandal Revenue Officer, Chennaraopet Mandal,

Warangal District.

3 2CCs to the G.P for Civil Supplies, High Court Buildings,

Hyderabad.(O.U.T)

4 2CD copies.